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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
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8 **YUAN HUI WU,**

9 Petitioner,

10 vs.
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12 **TIMOTHY AIKEN, *et al.*,**

13 Respondents.
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Case No.: C-14-1062-YGR

ORDER TO SHOW CAUSE

15 Petitioner filed the instant Petition for Writ of Habeas Corpus on March 6, 2014. (Dkt. No.
16 1.) In June 2014, the Court issued an Order setting a compliance hearing regarding Petitioner's
17 intention to prosecute his case. In that Order, the Court specified that Petitioner was to provide a
18 brief statement concerning whether Defendants have been served with the petition, whether
19 Petitioner had received an individualized bond hearing, and whether Petitioner intended to prosecute
20 this action. (Dkt. No. 4.) A hearing regarding the same was set for Friday, July 11, 2014.
21 Petitioner, through his counsel, did not appear for the hearing, nor did Petitioner file a statement.
22 (Dkt. No. 5.)


23 Accordingly, Petitioner is **ORDERED TO SHOW CAUSE** why this action should not be
24 dismissed for failure to prosecute and comply with its prior Order (Dkt. No. 4). Pursuant to Federal
25 Rule of Civil Procedure 41(b), a district court may *sua sponte* dismiss an action for failure to
26 prosecute or to comply with a court order. *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962);
27 *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991).
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1 A hearing on this Order to Show Cause shall be held on **October 31, 2014** on the Court's
2 **9:01 a.m.** Calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, Courtroom 1.

3 No later than **five days prior** to the hearing, Petitioner shall file either (1) a statement
4 explaining his continued intent to prosecute this action and his reason for not complying with the
5 Court's prior Order (Dkt. No. 4); or (2) a statement explaining his failure to comply with the instant
6 Order. If the Court is satisfied with Petitioner's response, Petitioner need not appear and the hearing
7 will be taken off calendar. Failure to comply with this Order shall be deemed grounds for dismissal
8 with prejudice for failure to prosecute.

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10 **IT IS SO ORDERED.**

11 Date: October 3, 2014

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13 YVONNE GONZALEZ ROGERS
14 UNITED STATES DISTRICT COURT JUDGE
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